HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.19505 of 2004

Date: 13-07-2006

Between :

Water Users Association,
Pocharam Project-IV, Yellareddy,
(at present Pocharam Project-V Lingareddypeta),
rep.by B.Venkatesham,
r/o. Lingareddypeta, Nizamabad.

… Petitioner/s

and

The Engineer-in-Chief, Works,
Jala Soudha, Erram Manzil,
Hyderabad and others.

…Respondent/s

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O R D E R :

This writ petition is filed seeking Mandamus declaring the action of the respondents in not paying the amount of Rs.81,713/- due to the petitioner's Association on 31-5-2000 as arbitrary and illegal, and consequently to direct the respondents to pay the said amount to the petitioner's Association with interest @ 24% per annum from the date of completion of the work, till the date of realization.

It is the case of the petitioner that he was elected as President of the Water Users Association, Pocharam Project-IV, Yellareddy, Nizamabad District. Whenever necessity arose to attend the works on emergency basis, the respondent authorities used to instruct the petitioner Association to do the work on priority basis and the estimates will be done at a later stage and sanction will be accorded for the said work from the competent authority to avoid the damage and wastage of water. Under similar situation, the work related to Flood damage repair to breach filling to R.S. Canal Bank of Pocharam Main Channel at Km.38.950 Thimmapur village, Yellareddy Mandal, Nizamabad District, was allotted to the petitioner's Association vide letter D.No.59/99-2000, dated 2-6-1999. Accordingly, the petitioner's Association has taken up the works on priority basis and completed the same in December, 1999 and the measurement was done on

31-5-2000. The amounts estimated for the said work was Rs.1,00,000/- only. Whereas the petitioner's Association completed the work by spending an amount of Rs.81,713/- only. After completing the works, the respondent authorities took nearly six months to measure the work carried

out by the petitioner Association, and after completing the measurements, the authorities forwarded a letter dated 27-5-2002 to the second respondent and requested to recommend the Chief Engineer, Medium Irrigation, Hyderabad, to obtain and release LOC at an early date. The second respondent, in turn, wrote a letter dated 30-5-2002 to the Chief Engineer, Medium Irrigation, for release of the amount. But the first respondent, for the reasons best known to him, did not accord permission for release of LOC for Rs.1,00,000/-. Hence the present writ petition.

Learned Government Pleader for Irrigation, on receipt of the parawise remarks, stated that the Chief Engineer, Medium Irrigation, had already written a letter dated 11-6-2002 to the Government for release of LOC for arranging the payment, and in the meanwhile the President of the petitioner's Association neither approached his Office nor filed any written representation for payment of the amounts due.

As seen from the above, there is no dispute as to the work done by the petitioner's Association as well as spending of an amount of Rs.81,713/- by it. There seems to be some redtap-ism in granting the amounts to the petitioner's Association. Now, in view of the parawise remarks obtained by the learned Government Pleader, I am of the opinion that the writ petition is liable to be allowed.

Therefore, the writ petition is allowed, directing the respondents to pay an amount of Rs.81,713/- due to the petitioner's Association, within a period of three (3) weeks from the date of receipt of a copy of this order.

However, since there was a delay in taking a decision by the respondent authorities, the petitioner's Association is entitled for interest @ 8% per annum from the date of completion of the work, till the date of realization. No order as to costs.

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(C.V. RAMULU, J)

13-07-2006.
Msr.

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(Msr)